

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CAMPAIGN & POLITICAL FINANCE

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MARY F. McTIGUE
DIRECTOR

December 10, 1993
AO-93-26

Dorothea Vitrac, Chairman
LIMITS II
P.O. Box 123
New Braintree, MA 01531

Re: Contribution by Citizen Lobbying Group to Former
Ballot Question Committee

Dear Ms. Vitrac:

I am writing in response to your July 8, 1993 letter to Brad Balzer of our office, in which you requested confirmation that the campaign finance laws do not prohibit your citizen lobbying group from making a direct contribution to the former ballot question committee, LIMITS. I apologize for the delay in my response.

Your letter states that LIMITS II is your citizen lobbying group. Subsequent to your letter, however, you advised Brad Balzer of this office that your citizen lobbying group, like your former ballot question committee, is called LIMITS. LIMITS II is your new ballot question committee.

LIMITS, the ballot question committee ("LIMITS"), was established in 1991 to put an initiative petition for a constitutional amendment to limit terms of incumbent politicians on the 1994 Massachusetts ballot. The initiative, if approved by the Constitutional Convention, would have imposed term limits on Massachusetts legislators, statewide officeholders, and U.S. Representatives and Senators. The Legislature failed to vote on the initiative notwithstanding a Supreme Judicial Court declaratory judgment that the measure was constitutional.

You have stated that the purpose of the contribution to LIMITS would be to assist LIMITS in its effort to retire a debt incurred by LIMITS for legal expenses in connection with obtaining the declaratory judgment.

LIMITS II was established in 1993 to put a new initiative on the ballot, seeking approval by the voters of a statute which, if passed, would require Massachusetts legislators and statewide officeholders to serve without pay and benefits after eight consecutive years in the same office. The statute would also impose term limits on U.S. Representatives and Senators. Both LIMITS and LIMITS II are political committees which receive contributions and make expenditures "for the purpose of opposing or promoting a . . . constitutional amendment, or other question submitted to the voters" and therefore each must report contributions and expenditures to this office pursuant to M.G.L. c. 55.

After the establishment of LIMITS, the committee initiated a lobbying campaign. Upon advice of this office¹, LIMITS established a separate lobbying group, to raise and expend funds in connection with the lobbying effort. The lobbying group plans to pay legal fees incurred by LIMITS.

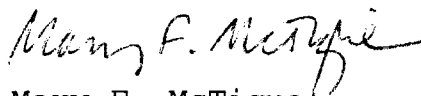
The expenditure of legal fees by LIMITS to obtain a declaratory judgment regarding the constitutionality of the initiative was directly related to the accomplishment of the committee's purpose, i.e., it was an expenditure made to further adoption of the initiative by the Constitutional Convention. The expenditure was for a "necessary legal action to protect or further the interests of the political committee," and therefore permitted under 970 CMR 2.06(6)(a). See AO-86-15.

M.G.L. c. 55 does not prohibit expenditures from a lobbying group to a ballot question committee. Any organization, including a lobbying group, which makes an expenditure to a ballot question committee must, however, disclose the expenditure to this office on Form CPF 112. In completing the form, your lobbying group must set forth the amount of the payment, together with the date and purpose of the payment. See IB-88-01. (Copies of the Form CPF 112 and IB-88-01 are enclosed). The committee must also report the receipt of the payment from the lobbying group.

This opinion is based solely on the representations made in your letter and in telephone conversations between yourself and Brad Balzer of this office, and is rendered solely in the context of M.G.L. c.55.

Please do not hesitate to contact this office if you should have any additional questions.

Very truly yours,


Mary F. McTigue
Director

Enclosures
MFM/cp

¹. Until recently, this office interpreted M.G.L. c. 55 as barring all political committees from spending funds to lobby the legislature. See AO-83-06, AO-83-13, AO-84-5, and AO-86-15. It was therefore necessary to establish a separate organization to conduct lobbying activities. I have reconsidered this interpretation, however, and now interpret c. 55 as allowing a ballot question committee to expend funds to lobby the Legislature on matters directly related to the committee's purpose. See AO-93-25, a copy of which is enclosed.